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Remarks

It is Applicant's understanding that responsibility for this case has been transferred from Examiner Valencia, who no longer works at the USPTO, to Supervisory Examiner Lee.

Applicant thanks Examiner Lee for the courtesy extended during the recent telephonic interview. This amendment includes the revisions discussed during the interview and places the application in condition for allowance. Specifically, by this amendment, claims 1, 5, 9 and 10 have been amended and claims 11, 12 and 14 have been cancelled. The application contains claims 1, 3-10, and 13 and 15. Applicant thanks Examiner for the previous indication that claims 13 and 15 are allowable.

Claims 1, 3, 4, 6, 7, 9, 10, 11, and 14 were previously rejected under 35 USC 102(b) and anticipated by Takahashi et al. (US 5,631,992). Further to the telephonic interview with Examiner Lee of November 18, 2003, Applicant's understanding is that the insertion of the phrase "wherein the connecting layer is formed by an adhesive" into claim 1 is sufficient to distinguish the subject matter of claim 1 from that of the cited reference, and will be considered favorably by the Examiner and overcome the rejection. Applicant submits that Takahashi et al. employs a rubber seal as the connecting layer, and neither shows or suggests the use of an adhesive as the connecting layer. As a result of this amendment, claim 5 has also been amended to remove what would otherwise be redundant language, and to correctly refer back to claim 1 as amended.

Applicant submits that claim 1 is now in condition for allowance, and that all claims of the application which are dependent on claim 1 are therefore also now allowable. These are: claims 3, 4, 5, 6, 7, and claim 8 via dependence on claim 7. Further, Applicant acknowledges that Examiner has already deemed claim 8 allowable in the previous Office Action of July 25, 2003 (see page 6, third paragraph).

Claims 11 and 14 have hereby been cancelled, thereby making moot this portion of the rejection.

Claim 9 has hereby been amended to include the features recited in claims 11 and 12, and claims 11 and 12 have hereby been cancelled. Claim 9 now recites that the upper surface of the

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cap of the optical semiconductor element and the end face of the housing are bonded by ultraviolet curing adhesive. Applicant submits that this amendment renders claim 9 patentable, since this is a feature that is similar to that which was introduced into claim 1 to achieve allowance (inclusion of an adhesive). Thus, the rejection of independent claim 9 should now also have been overcome.

Claim 10 has been amended to depend from claim 9, and should therefore be patentable since claim 9 is patentable. Accordingly, claim 14, which previously recited features already incorporated into independent claim 9 on which claim 10 is now dependent, has hereby been cancelled.

In view of the foregoing, Applicant respectfully request reconsideration and withdrawal of this rejection.

Formal Matters and Conclusion

In view of the foregoing, Applicant submits that all rejections have been successfully traversed and that claims 1, 3-10, and 13 and 15 should all be deemed new and unobvious over the prior art of record. The Examiner is respectfully requested to reconsider and pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any underpayment or credit any overpayment of fees to attorney's deposit account #50-2041.

Respectfully submitted,



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